

**BASELINE DOCUMENTATION REPORT  
and  
LAND MANAGEMENT PLAN  
Massachusetts Executive Office of Energy and Environmental Affairs  
Local Acquisitions for Natural Diversity (LAND) Grant Program**

**Property name:** Cotton Farm – Upper Vine Brook

**Municipality:** Lexington

**Acquisition date:** January 6, 2011

**Book/page:** Book 58239 Page 482

**Registry:** Middlesex South Registry of Deeds

**LAND #:** 61

**Date of report:** April 19, 2011

**Property location:** 121 Marrett Rd

**Acreage:** 4.2 acres

**Interest held by city/town:**    ☒ Fee    ☐ Conservation restriction

**Other interest holders:** None

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## **Section I:** **Property Information**

### **I.1. Property description**

The **Cotton Farm – Upper Vine Brook** property, located at 121 Marrett Road, Assessors' map 31, lots 60B and 90B, is owned by the **Town of Lexington**, under care and control of the Conservation Commission, for the purposes of conservation and passive recreation, in perpetuity. The deed was recorded on **January 6th**, Book **56239** Page **482** in the **Middlesex South** Registry of Deeds.

The property is subject to a temporary driveway easement between Cotton Farm Realty Trust and the Town of Lexington, dated January 6, 2011 and recorded in Book **56239** page **494** in the **Middlesex South** Registry of Deeds. The easement terminates automatically when Robert and Edythe Cataldo vacate the adjacent house, or when Robert and Edythe Cataldo are no longer living, or at the end of 25 years from the easement date, whichever occurs first.

### **I.2. Local Acquisitions for Natural Diversity (LAND) grant program regulations**

This property is permanently protected open space, for conservation and passive recreation only. It is subject to the standards and guidelines in 301 CMR 5.00: Self-Help and Urban Self-Help Programs, of the Division of Conservation Services, Executive Office of Energy and Environmental Affairs (EEA). Excerpted here are some of the major points:

- 5.06(4): Under the care and control of the **Town of Lexington** Conservation Commission
- 5.09(1): The property must be used at all times for open space conservation and passive recreation purposes only, in accordance with MGL Ch. 132A, Sec. 11
- 5.09(1): The property is permanently protected under Amendment Article 97 of the Massachusetts Constitution, and may not be converted to other uses. Municipalities must pursue all feasible alternatives to conversion of grant-funded land. If conversion is finally determined to be the only possible choice, *all* of the following must occur: municipal approval of the conversion; a two-thirds majority vote of both houses of the state legislature; replacement of the land with new conservation land that is of equal or greater fair market value at the time of conversion, and of equal or greater acreage, ecological value, and usefulness, to be approved or disapproved by the Secretary of EEA.
- 5.09(2): If this property ceases to be used in whole or in part for conservation and/or passive recreation purposes, all interest in the property shall revert to the Commonwealth,

unless the Secretary demands specific performance of the grant contract. The **Town of Lexington** Conservation Commission must notify the Secretary of EEA of a change or potential change to an inconsistent use, or, the Secretary of EEA may notify the Conservation Commission that an inconsistent change in use has occurred. The Conservation Commission has 90 days to rectify the use to the satisfaction of the Secretary, or it will revert to the Commonwealth.

- 5.08 (2) and (3): Open to use by all members of the public without discrimination
- 5.08(1): In accordance with the LAND program regulations, the **Town of Lexington** Conservation Commission may impose reasonable limits on the type and extent of use of this area and facilities acquired, as necessary for maintenance or preservation.
- 5.06(1): Off-street parking may be required
- No private enterprise may occur on properties for which the fee simple or encumbered fee is owned by the municipality, except that which contributes to and does not conflict with appropriate public use and benefit.
- Structures are prohibited on properties for which the fee interest is owned by the municipality, except those that further conservation or public passive recreational use of the property.

### **I.3. Legal protection**

Through receipt of funding through the LAND grant program, this property is permanently protected under Amendment Article 97 of the Constitution of the Commonwealth of Massachusetts.

- **Ch. 132A, §11** – *Act establishing the Self-Help (now LAND) grant program*
- **Ch. 40, §8c** – *Authority of conservation commissions to hold land for conservation purposes*
- **Article 97** – *Prohibits conversion of the property from conservation and recreational use*
- **LAND Project Agreement** – *Prohibits conversion of the property from conservation and recreational uses. Requires mitigation in the event of conversion. Requires appropriate public access. Recorded with deed.*

### **I.4. Contact Information**

Provide contact information for property monitor or manager, landowner (if CR), and any other people or organizations involved in the property.

<b>Name (person or organization)</b>	<b>Title (eg. property monitor)</b>	<b>Mailing address</b>	<b>Phone</b>
Karen Mullins	Director of Community Development/Conservation Administrator	Community Development Department, Room G-8 1625 Massachusetts Ave Lexington, MA 02420	781-862-0500 x227
Emily Schadler	Conservation Assistant	Community Development Department, as above	781-862-0500 x 240
Keith Ohmart Bonnie Newman Mike Tabaczynski Tom Whelan	Board members, Lexington Conservation Stewards (volunteer organization for the Conservation Commission)	Community Development Department, as above	781-862-0500 x 240

## **I.5. Conservation Restriction and Land Management Plan**

### **5(b) If the Property is owned in fee:**

#### **Land Management Plan:**

##### **Purpose:**

Cotton Farm connects conservation lands and wildlife habitats and also adds scenic value to a publicly visible area.

- With this acquisition, it is possible to walk from Highland Avenue (in a neighborhood near the center of Lexington) through the Cotton Farm and Upper Vine Brook Conservation Area to the Dunback Meadow Conservation Area across Marrett Road to the south.
- The upland habitat on the Cotton Farm connects with protected upland habitat to the north and borders protected wetland habitat to the west. The pond shore on the western border of Cotton Farm is a prime location for viewing wildlife and the wetlands to the west, which are part of the headwaters of Vine Brook.
- The apple orchard on the property, visible from Marrett Road, is an attractive visual asset to the town.

##### **Property Uses:**

Note: These should be posted at the property entrance(s).

Passive recreation

##### **Permitted Uses:**

Walking, jogging, bird watching and other wildlife observation, cross-country skiing, picnicking, bicycling (on specified trails), and other forms of passive recreation.

**Prohibited Uses:**

Without permission of the Conservation Commission, it is forbidden to:

- Be in or on conservation land between the hours of 1/2 hour after sunset and 1/2 hour before sunrise.
- Possess or consume alcoholic beverages.
- Commit any disorderly action, or disturb the peace, or conduct oneself in such manner as to interfere with the rightful enjoyment of the public upon these grounds.
- Hunt, trap or shoot.
- Remove, cut or damage any flowers, plants, shrubs, trees or rocks.
- Operate a motor vehicle (the term "motor vehicle" includes, without limiting the generality of the same, any car, truck, bus, motorcycle, motorbike or snowmobile) on conservation lands except to access the designated parking area
- Make a fire except in designated fireplaces with permission of the Fire Department.
- Discard litter except in designated receptacles or post, paint, affix or display any sign, notice, placard or advertising device.
- Dump materials of any kind.
- Build any structures.
- Dam any stream.
- Park a motor vehicle except in designated parking areas.
- Possess, be in control of, or be responsible for more than 3 dogs per person.

**Structures:**

Shed (formerly a pump house, 13' x 13'), which may be converted to a storage location for Conservation tools and equipment in the future. Other structures on the property include a dock, a fence, and an arbor, but these are scheduled for removal (see Stewardship plans below).

**Known stewardship issues:**

Managing invasive species, restoring formerly maintained areas to a more natural state (specifically a landscaped driveway island, a tilled field, a driveway, intensively mown areas, the area around pond shore), managing public use in a way that also protects habitat and wetlands, monitoring and preventing encroachment from abutting private property owners.

### **Stewardship plans:**

See the Monitoring Map for more details on the following:

- Construct a trail from Marrett Road across the subject property. The new trail will connect with an existing trail on other conservation land that leads to Highland Avenue.
- Install boundary signs along the property line between Lots C-6 and C-4 (now or formerly of Cotton Farm Realty Trust) and the subject property; install a trail sign at trail entrance
- Establish a parking area for no more than three vehicles off of the driveway from Marrett Road (see Monitoring Map for location). When the driveway easement has expired, this parking area may be moved.
- Install an entry sign near the driveway entrance from Marrett Road and a kiosk in an appropriate location.
- Install signage along the driveway to discourage people from parking along the edge of the driveway.
- Add a picnic table near the pond and a mown path to the pond from the picnic area for wildlife viewing.
- Mow grassy areas in the vicinity of the apple orchard, parking area, picnic area, and trails frequently during the growing season and as needed elsewhere to maintain the open look of the property, subject to the availability of mowing resources.
- Remove invasive species along the pond perimeter, the landscaped island, and elsewhere on the property; monitor other areas for invasive species colonization and remove them where it is feasible.
- Restore the agricultural tilled field on the northeastern edge of the property to more natural conditions.
- Restore other areas that were intensively managed when the property was a single-family home lot to more natural conditions.
- When the driveway easement expires, restore the main driveway to more natural conditions.
- Close off access to the dirt drive that leads to the back of the agricultural tilled field.

Action on stewardship plans is the responsibility of the Lexington Conservation Commission with the help of volunteers.

The following structures are planned for removal under a Request for Determination of Applicability (RDA) submitted by the Lexington Conservation Stewards to the Lexington Conservation Commission. The structures are all on the perimeter of the pond on the western side of the property:

- Arbor
- Docks
- Fence

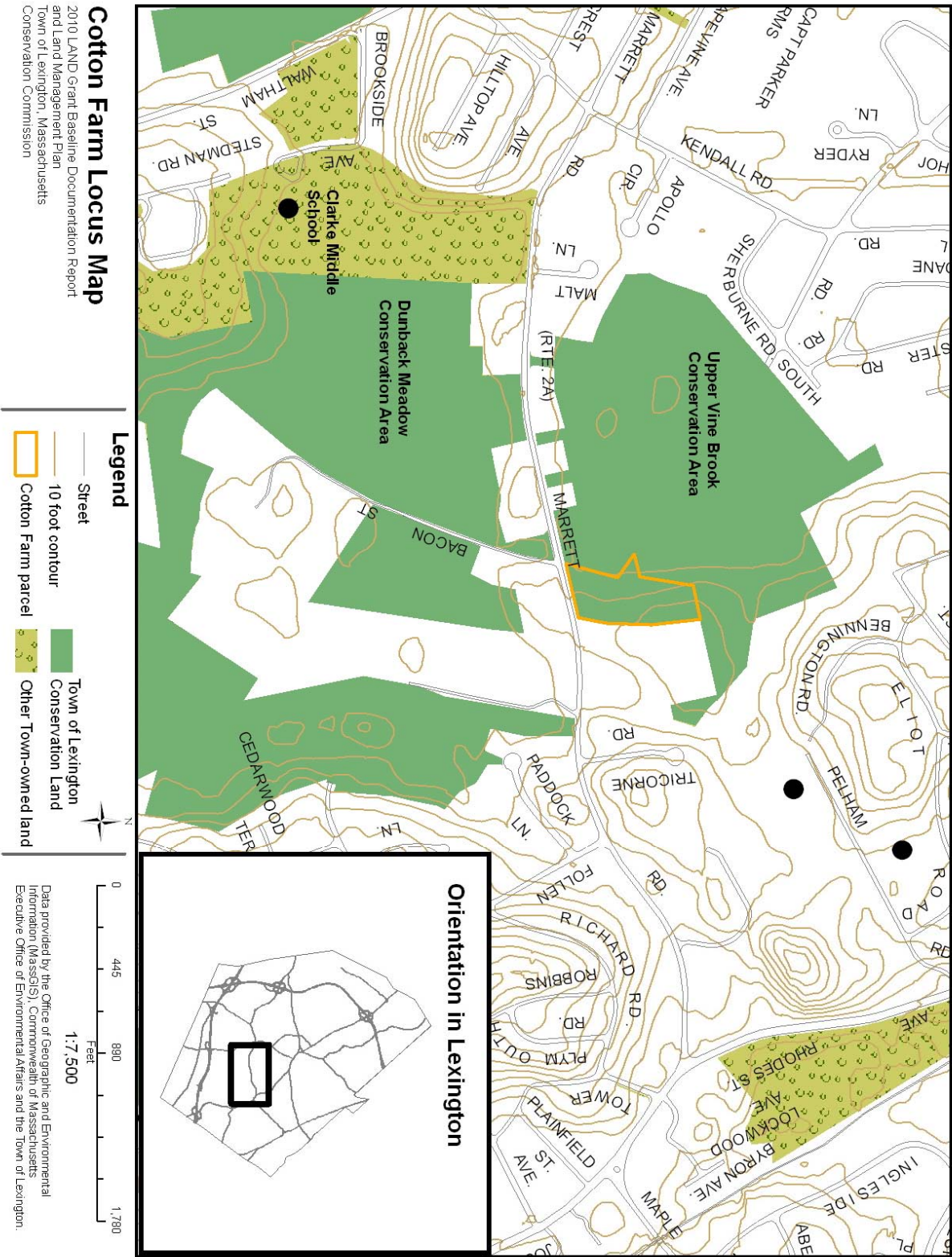
**Active Management Plans:**

None.



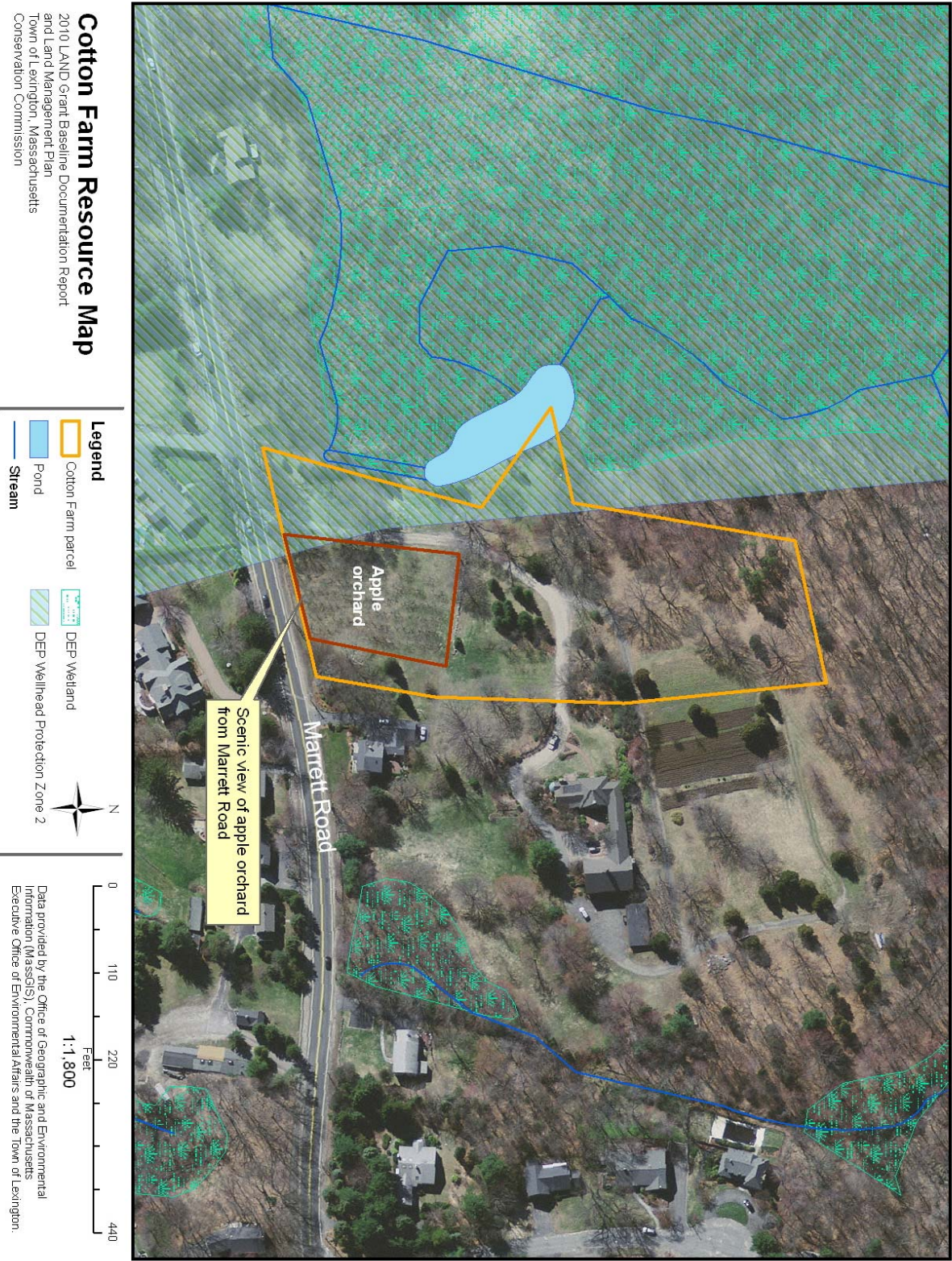
**Section II:**  
**Maps**

II.1. Locus map



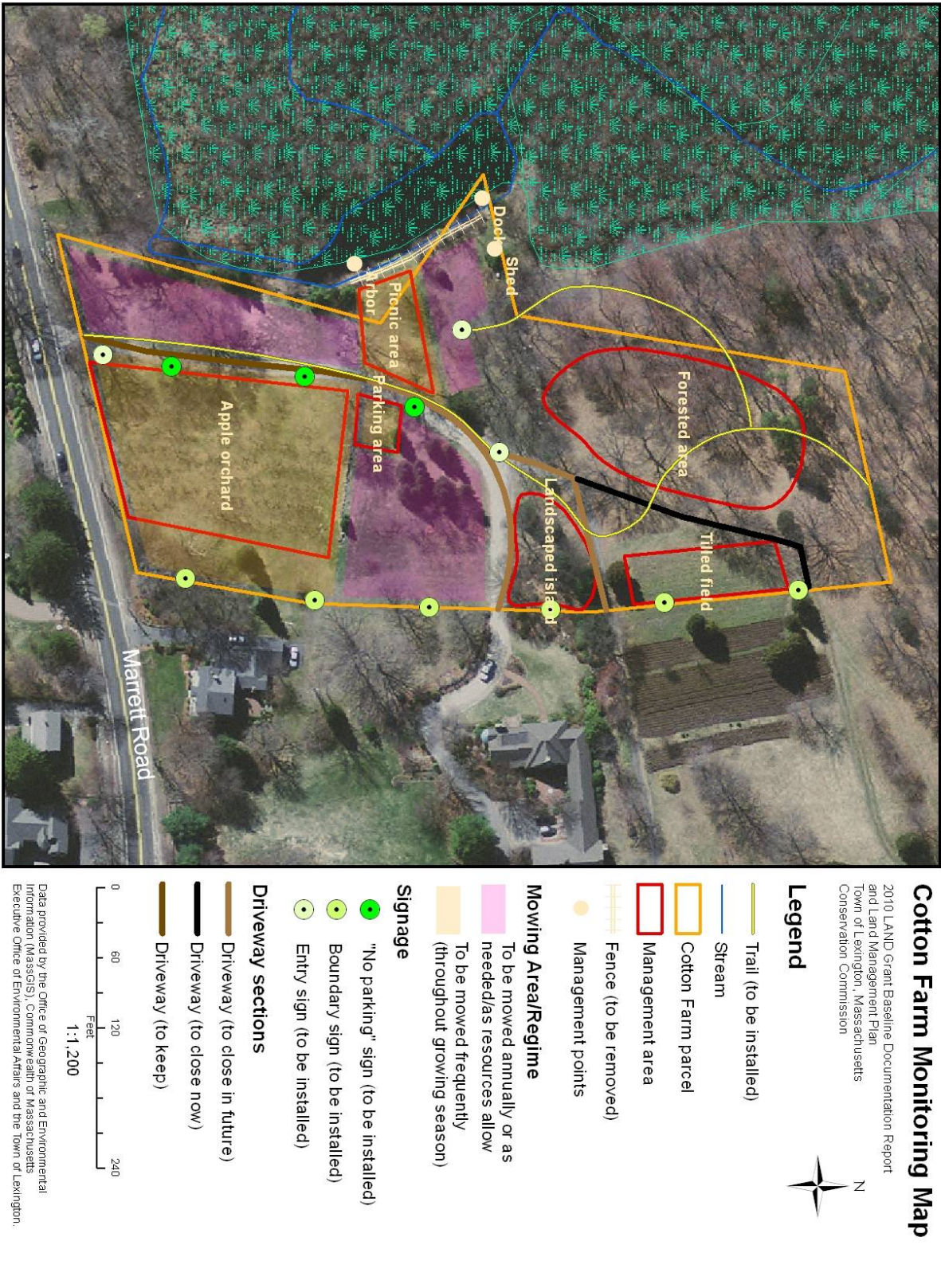


II.2 Resource map





II.6. Monitoring map





**Section III:**  
**Site Visit Report**

### **III.1. General information**

**Date of inspection: March 27, 2011**

**Time spent on property: 2.5 hours**

**Who was present on the site visit? What is their association with the property?**

<p>For the Lexington Conservation Stewards, Bonnie Newman, Gerald Paul, Tom Whelan For the Conservation Commission: Stew Kennedy</p>
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### **III.2. Current property conditions**

**Note: This section may summarize some provisions of the CR or Management Plan. The entire CR document must be read in order to understand its terms.**

#### **A. Conditions of the property relevant to the purposes of the CR or Management Plan:**

<b>Purpose</b>	<b>Condition</b>	<b>Photo</b>
Passive recreation	The mostly dry, upland location makes the property ideal for public trails. The pond and orchard enhance the scenic appeal of Cotton Farm. Although the adjacent land to the west is also conservation land, it is too wet to be passable for public trails. The trails and the vicinity of the parking area require frequent mowing during the growing season. Other open areas, such as those to the north of the driveway area, will be mowed as needed. See the Monitoring Map for mowing and trail locations.	15
Wetlands conservation	Cotton Farm is the eastern border of a wetland that is the headwaters of Upper Vine Brook. The wetland and pond fall under the jurisdiction of the Wetlands Protection Act and Lexington's Wetland By-law.	17
Orchard maintenance	Volunteers and Town employees will maintain the orchard using organic methods. The orchard grounds will be mowed frequently during the growing season. Trees will be pruned as necessary to preserve tree health, but not for specifically for fruit production at this time. The intent is to maintain the orchard primarily for scenic rather than agricultural value at this time due to lack of resources for active agriculture. See the Monitoring Map for mowing locations.	3, 5, 8

#### **B. Conditions of the property relevant to Permitted and Prohibited Uses:**

<b>Activity</b>	<b>Condition</b>	<b>Date built/ changed</b>	<b>Photo</b>
<b>Permitted</b>			
Walking on trails	An existing trail leads into the property from the north. The stewardship plan calls for extending that trail across higher elevations and making a fork in the trail running closer to the western boundary skirting the wetlands area. Trails require periodic mowing and maintenance during the growing season.		14
Wildlife observation	The stewardship plan includes removing invasive species and restoring the pond shoreline to improve the pond ecology as well as to give better observation sight lines. A mown path from the picnic area to the pond will also be provided.		17
Orchard	No active agriculture is planned for the orchard at this time. The orchard will be maintained using organic farming principles. The orchard area requires		3, 5, 8



	frequent mowing during the growing season. See the Monitoring Map for mowing locations.		
Shed use	The Lexington Conservation Stewards and/or the Conservation Division may use the shed on the site as a storage site for conservation tools and/or equipment in the future, but the shed roof would need to be repaired and other modifications made for access and safety.		18
Motor vehicle access for parking	The stewardship plan calls for installation of a parking area for no more than three vehicles. The parking area requires frequent mowing during the growing season. See Monitoring Map for the parking location and mowing locations.		16
<b>Prohibited</b>			
Motor vehicle access beyond parking area	Motor vehicle access is prohibited, excepting any right to pass or maintain the gravel driveway under the driveway easement between the Cotton Farm Realty Trust and the Town of Lexington dated 1/6/2011 and recorded in Book 56239, page 494, MSRD, or access for conservation purposes. There is evidence of motor vehicle access beyond the easement area, on a dirt drive around the tilled field. This use is prohibited, and this drive will be closed.		7
Agriculture	With the exception of the orchard, no agriculture is permitted. The tilled field in the northeastern portion of the property will be restored to more natural conditions.		8
Structures	The dock, fence, and arbor at the pond edge will be removed.		19,20, 21
Landscaped driveway island	There is a landscaped driveway island along the eastern property border near the Cataldo house. Some of the plants are prohibited non-native species, such as burning bush. The invasive plants will be removed.		9

**C. List of prohibited uses for which there were no relevant observed conditions:**

No evidence of the following activities was observed:

- Be in or on conservation land between the hours of 1/2 hour after sunset and 1/2 hour before sunrise.
- Possess or consume alcoholic beverages.
- Commit any disorderly action, or disturb the peace, or conduct oneself in such manner as to interfere with the rightful enjoyment of the public upon these grounds.
- Hunt, trap or shoot.
- Make a fire except in designated fireplaces with permission of the Fire Department.
- Discard litter except in designated receptacles or post, paint, affix or display any sign, notice, placard or advertising device.
- Dump materials of any kind.
- Dam any stream.
- Possess, be in control of, or be responsible for more than 3 dogs per person.

**D. Additional remarks regarding the present condition of the property:**

The gravel driveway will be removed once the easement is terminated; see the terms of the easement dated 1/6/2011 and recorded in Book 56239, page 494, MSRD.

**III.3. Boundary Conditions**

- A. Do the boundaries on the ground clearly correlate to the legal description found in the CR document or property deed (i.e. can you follow the boundary after reading the description)? If not, how did you locate the property boundary?

Boundaries are marked by surveyors and correlate with the plans of record for the subject property (easement plan, Plan 12 of 2011 and the lot plan for the deed to the Town, Plan Book 2010, Page 775, MSRD).

- B. (If CR): Are portions of the property which are excluded from the Restriction marked or otherwise evident on the ground?

N/A

- C. Describe the condition of the boundary markings at all other points (i.e. stone wall, flagged, signed, unmarked):

- **SW corner near Marrett Road:** Well-marked with six foot granite bound at the end of a stone wall.
- **SE corner near Marrett Road:** The corner is at a stone wall on Marrett Rd, opposite a stone bound on the other side of Marrett Rd indicated on the plans. Not currently monumented, this corner needs a marker.
- **Boundary along land now or formerly of DeAngelis and Cotton Farm Realty Trust:** marked by survey flags corresponding to points on the plans (to be replaced by granite/concrete markers).
- **NE corner:** marked by survey flag (to be replaced by a granite/concrete marker)
- **NW corner:** marked by survey flag (to be replaced by a granite/concrete marker)
- Concrete bound on the western boundary near the end of the stone wall.
- No remaining bounds on the western side are monumented until the SW corner, but this border is already Lexington conservation land (Upper Vine Brook Conservation Area)

D. Describe the use of abutting properties, focusing on uses close to the boundary line:

DeAngelis land: A house lot with structures close to the boundary line. Ornamental plantings along Marrett Road go over the property line. There is no plan to remove these plantings except for those that are invasive.

Cataldo land: The boundary line is dense with ornamental plantings that obscure the boundary line. The Cotton Farm property is subject to a temporary easement that gives access to Marrett Road from this house.

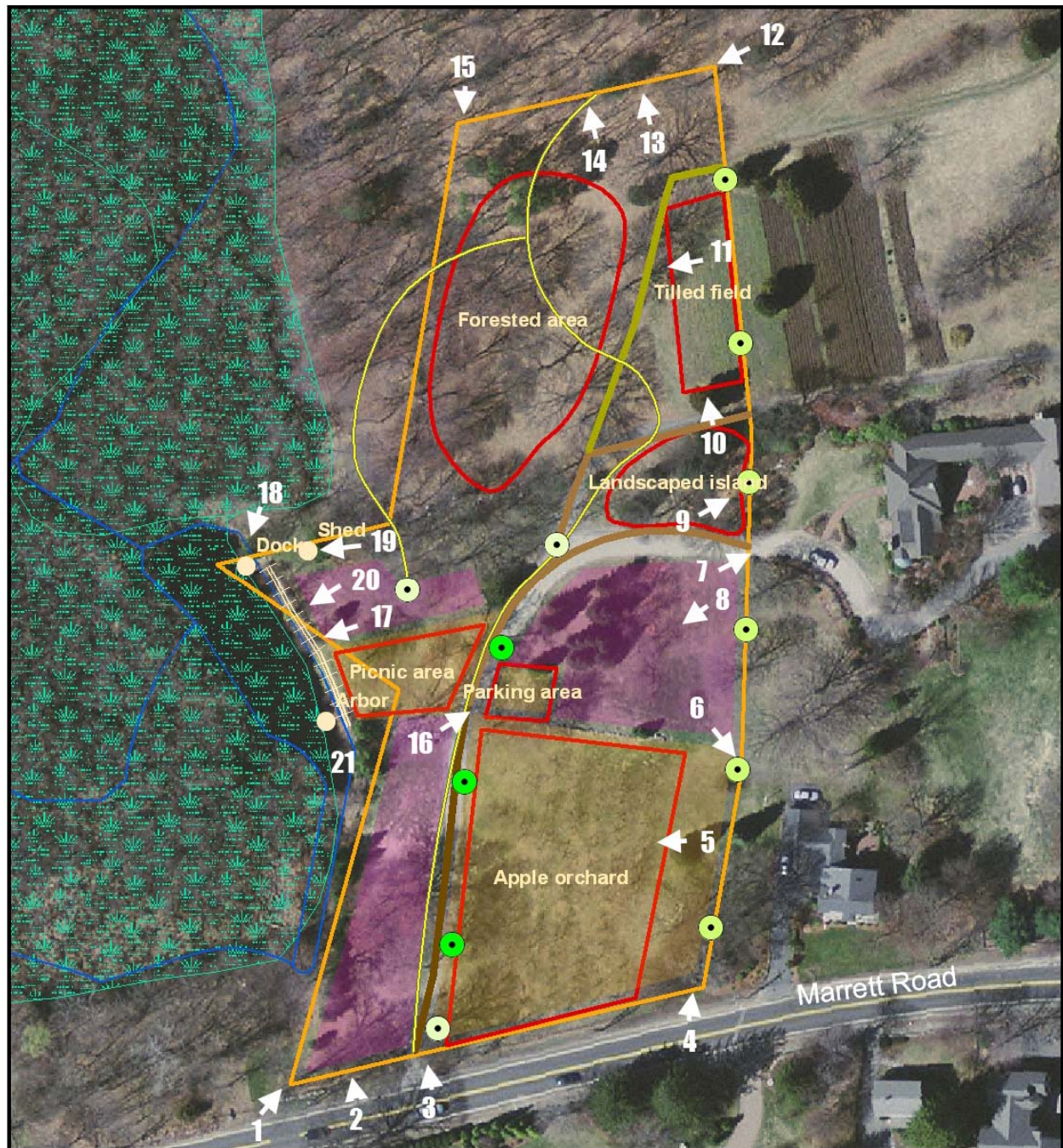
Agricultural tilled field: Along the boundary line beyond the driveway is a cultivated field; a portion of the subject property is currently tilled. There is a prohibited dirt drive that goes around the field; this drive is not named or described in the driveway easement.

E. Any other comments on boundaries?

None.

**Section IV:**  
**Photographs**

#### IV.1. Photo location map



## **IV.2. List of documentary photographs**

Photographer(s):

Tom Whelan, Emily Schadler

<b>Date</b>	<b>Photo #</b>	<b>Location description (where the photographer was standing)</b>	<b>Cardinal direction</b>	<b>Description of photo subject</b>
3/27/11	1	SW property corner	NE	View of Western corner of property on Marrett Rd
3/27/11	2	Street scene at Marrett Rd	N	Stone wall and entrance at Marrett Road
3/27/11	3	Gravel road (easement area) at Marrett Rd	N	Easement area in Driveway easement 56239/494 and public access, and orchard
3/27/11	4	SE property corner	N	Property bound at Marrett Road and at DeAngelis house lot
3/27/11	5	Orchard	W	Orchard viewed from eastern side
3/27/11	6	Property line at DeAngelis lot	S	Property line facing south towards Marrett Rd
3/27/11	7	Property line at Cataldo house	E	Shows end of driveway and Cataldo house
3/27/11	8	Property line at Cataldo house	W	View of orchard
3/27/11	9	Property line at Cataldo house	N	View or plantings obscuring property line
3/27/11	10	Property line at field	N	View of tilled field bisected by property line
3/27/11	11	Property line at field	W	View of eastern boundary and woods from field
3/27/11	12	NE corner bound	W	View of woods along northern boundary
3/27/11	13	Northern boundary	N	View of woods to north (other conservation land)
3/27/11	14	Trail entering property	N	View of trail from conservation land to north
3/27/11	15	NW corner	S	View of eastern boundary and other conservation land
4/18/11	16	At driveway and stone wall north of orchard	SE	Proposed parking area
4/4/11	17	Pond view	W	View of the western shore, bittersweet in the foreground
3/14/11	18	Near pond	W	View of the dock to be removed
3/14/11	19	Shed	NW	View of the current condition of the shed
3/14/11	20	Near pond	W	View of the fence to be removed
3/14/11	21	Near pond	W	View of the arbor to be removed



### IV.3. Documentary Photographs



1. SW Corner, looking east along Marrett Road



2. Street scene, SW corner looking north





3. Driveway and orchard in background on right



4. SE corner at DeAngelis lot





5. Orchard, looking west from DeAngelis boundary



6. Property line, bound at DeAngelis house lot





7. Cataldo house, end of driveway at property line and staked bound



8. Orchard, driveway facing west near Cataldo house





9. Border plantings near house, obscuring property line (stake circled)



10. Tilled field, north of Cataldo house; property line bisects field





11. View of eastern boundary and woods from field



12 NE bound and woods





13. View of woods to north (other conservation land)



14. View of trail from conservation land to north





15. NE bound and eastern boundary



16. Parking area





17. Pond, facing west, bittersweet in foreground



18. Dock (to be removed) at the pond edge





19. Shed



20. Fence (to be removed) at the pond edge



21. Arbor (to be removed) at the pond edge

**Section V:**  
**Amendments**

### **V. 1. How to amend this document**

This property is permanently protected as open space for conservation and passive recreational use only. For this reason, it may become necessary in the future for portions of the Land Management Plan to be revised.

The following sections of this document may be changed:

I.4. Contact information

I.5. Land Management Plan sections:

Permitted uses/activities

Prohibited uses/activities

Structures

Stewardship plans

Active management plans

Any changes to these sections must still adhere to the LAND grant program regulations, Project Agreement, Article 97 requirements, and any other pertinent Massachusetts regulations.

### **Procedure for amending this document:**

The Conservation Commission will hold a public meeting in order to make any amendments to this document.

Requests from the public to amend the Land Management plan sections listed above must be made in writing to the Conservation Administrator at the address listed in Section I.4.

**Section VI:**  
**Signatures**

I certify that the above Baseline Documentation Report and Land Management Plan is accurate and complete.

I understand that this property is permanently protected open space under Article 97 of the Massachusetts Constitution, for conservation and passive recreation uses, under the care and control of the Conservation Commission. The property may not be sold, subdivided, altered, or used for any other purposes, except by securing all of the following: approval of the Conservation Commission; approval of the municipality by town meeting/city council vote; approval by both houses of the Massachusetts State Legislature; approval by the Governor of Massachusetts; mitigation by replacement with an unprotected property of equal or greater size, value at the time of disposition, ecological value, and passive recreational value, subject to approval by the Secretary of Energy and Environmental Affairs. Additionally, any change in use must adhere to all relevant environmental laws and regulations, including but not limited to the Massachusetts Environmental Protection Act and Endangered Species Protection Act, the Wetlands Protection Act, the Rivers Protection Act, and Global Warming Solutions Act.

Preparer	Print name
Municipal Chief Executive Officer	Print name
Conservation Commissioner	Print name
Conservation Commissioner	Print name
Conservation Commissioner	Print name
Conservation Commissioner	Print name
Conservation Commissioner	Print name
Conservation Commissioner	Print name
Conservation Commissioner	Print name

Date